

HEALTH COMMITTEE meeting of June 21, 2000

Minutes

A regular meeting of the Health Committee of the Suffolk County Legislature was held in the Media Room, First Floor of the H. Lee Dennison Building, Veterans Memorial Highway, Hauppauge, New York, on June 21, 2000.

Members Present:

Legislator Ginny Fields - Chairperson
Legislator Brian Foley - Vice-Chair
Legislator Michael Caracciolo
Legislator Joseph Caracappa
Legislator Andrew Crecca

Also in Attendance:

Paul Sabatino - Counsel to the Legislature
Mary Skiber - Aide to Legislator Fields
Linda Burkhardt - Aide to Presiding Officer Tonna
Virginia Acker - Aide to Presiding Officer Tonna
Frank Tassone - Aide to Legislator Crecca
Kim Brandeau - Legislative Budget Analyst/Budget Review Office
Bonnie Godsman - County Executive's Office/IR
Robert Maimoni - Director of Health Administrative Services/DHS
Elaine Economopoulos - Quality Consortium
Bernard Kirschbaum - Mental Health Association
All Other Interested Parties

Minutes Taken By:

Alison Mahoney - Court Stenographer

(*The meeting was called to order at 9:57 A.M.*)

CHAIRPERSON FIELDS:

Good morning. Please rise for the Pledge of Allegiance led by Legislator Foley.

Salutation

We have one card, it looks like Bernard Kirschbaum. Come on up, please.

MR. KIRSCHBAUM:

Good morning.

LEG. FOLEY:

Good morning.

MR. KIRSCHBAUM:

Can you hear me all right?

LEG. FOLEY:

That's fine.

MR. KIRSCHBAUM:

Good. My name is Bernie Kirschbaum. I am a Mental Health Planner with the Mental Health Association, I'm also a client

of Concern for Independent Living, I also sit on three committees; the Transportation Committee for Concern, the Patient Advocate, Client Advocate, and also the Executive Committee.

And one of the biggest concerns that I've seen out there, especially for the Mental Health Association and Concern, is transportation for people. I had the pleasure of meeting Brian Foley two weeks ago at the Transportation Fair and that was a very interesting day. They will have another one in September, it was very informative, there was a lot of information. But there were some pros and cons and some good and bad points that I'd like to bring up.

I find that Suffolk County transportation is excellent. I have lived in the city most of my life, I come out to the Island over the last five years. But it's excellent for the people out here who don't have a car, but there are still ways to improve it. Education of the people, there are ways of doing that, I would like to see more of that; in fact, I am going to be training a lot of people that I know who need the help. But I would also like to see -- I would also like to see the County try to customize or do a little work with the bus schedules. I know a lot of people are very concerned about going to work and the boss says, "Can you stay an hour or two? How can I stay an hour or two, the buses stop running at 6:30." So it's really a problem. And yet I see some buses in the morning, because I take the buses myself at the present time, there are people who -- I've seen -- I've gotten on buses that are almost empty in the morning. So there has to be some work, if you can do anything with the bus companies.

The majority of bus drivers are very courteous. There's a lot of ways of getting around besides buses, I have used a lot of car services and trains. But the schedules are very good, the connections, everything is really good, I find it very, very convenient; I may never buy a car again, I don't know. But I would like to see people, especially the elderly, people who would like to do more in their life, especially late afternoon and evening, get to a movie, do some last minute shopping, not have to worry about getting home from work late and having to say to the boss, "I'm sorry, I can't work, I've got to catch my connections," and I'm not going to take a \$20 cab ride home, it doesn't make sense for me to work overtime.

But in general, I think it works, I think your support of the transit system works. I think if it gets a little more work as far as hours and the buses -- the new buses are very good, the old buses are still holding together, too. But again, it's a team effort. And I hope you people can do your best to keep whatever pressure or whatever you're doing with the bus companies in getting them to work. I know I had a very nice discussion with Brian two weeks ago and I know there's concern. And it's important, we want people to get around, we want people to live a normal life. And I thank you very much for your time.

LEG. CARACAPPA:

Thank you.

CHAIRPERSON FIELDS:

Thank you. I think it's something that's come to our attention quite frequently. And it's not just the late hours, but it's also the north/south problem, we seem to have it going from east to west but we're not able to get north and south. Legislator Foley?

LEG. FOLEY:

Thank you, Madam Chair. Mr. Kirschbaum, it's good to see you again.

MR. KIRSCHBAUM:

Good to see you.

LEG. FOLEY:

I'm glad you're here to state on the record the concerns, both of yourself personally and of the Mental Health Association dealing with transportation.

One of the suggestions I would give is through the association and other advocacy groups, is to write directly -- either visit or write directly to the County Executive about the need to expand bus transportation. As we speak, this past week or so

the different departments have submitted their budgets to the County Executive's Budget Office for next year. Last year there was a submission by the Division of Transportation of DPW, Public Works, to do a pilot project in Western Suffolk, approximately a \$2 million project to expand the hours earlier in the morning, later in the evening, as you mentioned; that was not made part of the Proposed Executive's Budget. I had an amendment in the Operating Budget to do that, there was a lot of discussion, there wasn't enough support for that particular amendment but it served at least the purpose of furthering, let's say, the discussion on the need to do that, to expand.

So it's my hope that this year we're going to see some kind of movement to expand some services and hope that you could give us, this committee and those that you serve, to have your organization and others to write directly to the County Exec with copies to us about the need to expand the bus service. You know, money is always an issue, but certainly you make a compelling argument. So I hope we will be able to see some changes next year.

Plus -- and I will end with this, Madam Chair -- there is an Executive Legislative Task Force that's looking at transportation in general, that's more of a longer term review and won't be probably until earlier next year where some recommendations will be made which will be after the budgetary cycle for next year. So all the more reason why to start this summer to advocate to the Executive Branch to include some monies. His budget will be submitted to us in the middle of September and then we can make some judgments on how we plan to amend it. So that's the way that I see it. It would be very helpful to have you also write directly to him as well.

MR. KIRSCHBAUM:

Thank you. Just as an aside --

LEG. FOLEY:

Yes.

MR. KIRSCHBAUM:

I forgot to mention, there is an advocate open forum this afternoon at the State Building dealing with transportation on the sixth floor. So there's going to be a lot of people, they encouraged a lot of my peers to come by bus, by public transportation.

LEG. FOLEY:

Good.

MR. KIRSCHBAUM:

It's going to be an open forum from 12 to 2 and then from 2 to 4 with a lot of people giving their criticism of the system, so it should be quite interesting. I'm going to walk over there after we finish.

LEG. FOLEY:

Who's running the meeting?

MR. KIRSCHBAUM:

I believe it's -- there's two groups, two coalitions, Peconic and one other group.

LEG. FOLEY:

Okay. Well, we have a Public Works Committee meeting at 11:30 today and I will be certain to bring that up to them to make sure that they would be in attendance; sixth floor you say?

MR. KIRSCHBAUM:

Sixth floor.

LEG. FOLEY:

Over at the State Office Building. Okay, thank you.

MR. KIRSCHBAUM:

Thank you.

CHAIRPERSON FIELDS:

Thank you. Thank you for coming.

MR. KIRSCHBAUM:

Thank you very much.

CHAIRPERSON FIELDS:

We have two bills that we were going to discuss this morning, but there is an error on the person who authored the bill. I did not do the first one, Suffolk County Tobacco Tax to fund enhanced child care. What committee was that prime in, Paul?

MR. SABATINO:

Tobacco tax?

CHAIRPERSON FIELDS:

Yeah.

MR. SABATINO:

That should be in this committee, I think it's Sense 82.

CHAIRPERSON FIELDS:

It is prime with us?

MR. SABATINO:

Let me just double check. Yes, what happened was that last meeting when we couldn't lay all of the late starters on, 82 was one of those bills that didn't get laid on. But it could be considered today because it will be eligible to be voted on at the next meeting, but this is the committee that it would be in.

CHAIRPERSON FIELDS:

Okay. Do we know how much money this would be projected to bring in if it's passed by the State?

MR. SABATINO:

No, I don't -- I don't have a projection on that.

CHAIRPERSON FIELDS:

Anybody have anything else to say about it?

LEG. FOLEY:

Yes. I think -- the sponsor isn't here who is Legislator Cooper, this doesn't, let's say, mandate us to impose this tax. I think when you look at the first RESOLVED clause, it just gives us -- we're asking the State to give us the ability to impose that tax, it doesn't mean

that we necessarily will but it just gives us the option; is that your reading of it, Paul, the first RESOLVED Clause? I mean, if this --

MR. SABATINO:

Absolutely. This is the first step, it's a Memorializing Resolution because first you have to get the authority. The only thing here is it talks about requesting the authority and then how the monies would be allocated in terms of programs. If the State Legislature were to say yes, then the County would have to take a separate subsequent action to actually impose the

tax.

LEG. FOLEY:

Correct. Okay.

CHAIRPERSON FIELDS:

Is there a history in the past of having something like this pass in New York State?

MR. SABATINO:

Not for tobacco, no. This would be a first time where a locality would be getting the authority. Even New York City, New York City has gotten the authority for other kinds of local taxes but not a tobacco tax.

LEG. FOLEY:

Legislator Caracciolo had a resolution of yours last session, right, last meeting?

LEG. CARACCIOLO:

That's correct. And subsequent to that Legislative meeting, I have withdrawn that resolution given that Legislator -- is it Cooper or Fields?

LEG. FOLEY:

It's Cooper.

LEG. CARACCIOLO:

Yeah, I thought that was a misprint on your agenda. Since Jonathan basically submitted a very close match to my Memorializing Resolution, I withdrew mine in favor of him sponsoring it.

CHAIRPERSON FIELDS:

Okay. I guess we will discuss the second Memorializing Resolution and that is to -- it's Memorializing Resolution requesting the State of New York to approve a bill to improve processing of health care claims and create a health insurance guarantee fund.

I attended a Nassau-Suffolk Hospital Coalition Meeting and it seems to be, after spending 37 years in the medical field, HMO's have altered the way we treat citizens and they have lost their rights, they have lost appeals or the ability to appeal if the health care system decides that they shouldn't pay for a particular procedure. And this bill is creating a Health Insurance Guarantee Fund, it had like a 23 page back up originally that really gave the health care community a better way in which to deal with prescription drugs and insurance payments and appeals and so forth. We had hoped to get it in at the last legislative meeting so that we could send a message up to the State to pass it and I think they're in session only two more days, Brian?

LEG. FOLEY:

Most likely.

MR. MAIMONI:

A week.

LEG. FOLEY:

A week.

CHAIRPERSON FIELDS:

And maybe if we can get it through committee and come up for a vote on Tuesday, would that -- is that a possibility that we could actually get that in?

MR. SABATINO:

Yes, both of these could still be -- even though they didn't get laid on at the last meeting, because there's no seven day rule with these, if this committee gives some kind of an endorsement for them they can be voted on at the meeting on Tuesday. But that would still be time because they're probably not going to break till July Fourth weekend, they normally --

LEG. FOLEY:

Wait till then, right.

MR. SABATINO:

Well, depending on the budget, but this year I would assume July Fourth Weekend would be the cut off point.

CHAIRPERSON FIELDS:

Okay, thank you. Anybody have any other comments?

LEG. FOLEY:

None.

CHAIRPERSON FIELDS:

Okay. Then let's go right to the Tabled Resolutions.

Tabled Resolutions

IR 1081-00 (P) - Adopting Local Law No. 2000, a Local Law to establish animal rights advocacy policy (Fisher).

LEG. CARACCILO:

Motion to table.

LEG. CARACAPPA:

Second.

CHAIRPERSON FIELDS:

All in favor? Opposed? **Motion to table passes. (Vote: 5-0-0-0).**

1425-00 (P) - Adopting Local Law No. 2000, a Local Law to ban purchase of tobacco products by minors in Suffolk County (Fields).

LEG. CARACCILO:

Motion to approve.

CHAIRPERSON FIELDS:

I just want to discuss this a little bit. There have been some new developments that have occurred. We have heard a bit of testimony from different organizations regarding the Florida -- the State of Florida and the fact that Florida has a difference in children smoking and they attribute that to the educational program that Florida has instituted. And I have now -- and I have my aide making copies of the bill and of the survey that they did. Apparently it has turned out that Florida has a ban on minors smoking and it is enforced by sanitarians, very much like the bill that I have put together. Bob, would you like to talk about that at all?

LEG. CARACAPPA:

Can I ask a question first, Madam Chair? A couple of questions first.

CHAIRPERSON FIELDS:

Sure, Legislator Caracappa.

LEG. CARACAPPA:

Thanks. I can appreciate the research and what Florida has done in relation to what you're trying to do here in Suffolk

County and using sanitarians. I'd like to know if you have a cost estimate as to what it's cost Florida, how many sanitarians were put in place for the bill or after the bill, how long it's been -- that program has been in place? With relation to your bill also, do you make provisions for increasing the amount of positions for sanitarians to do this, and what's the dollar amount attached to that?

CHAIRPERSON FIELDS:

Yes, I do. I believe in the bill it requests that we put ten more sanitarians into the field to enforce this. Paul, do we have an estimate on any back up?

MR. SABATINO:

Let me just look.

LEG. CARACAPPA:

While Paul is looking that up, I will ask a question directly relating to my inquiry to Bob. Mr. Maimoni, do you believe that we need ten sanitarians now just to -- added sanitarians just to do the work that they're supposed to be doing now?

MR. MAIMONI:

I --

LEG. CARACAPPA:

To meet the work load?

CHAIRPERSON FIELDS:

What was the question? I missed the question.

LEG. CARACAPPA:

The question is do you think the ten sanitarians that we'd be putting on would actually just bring us up to speed just to do the work load that they're required to take on at this point in time, without doing the policing yet?

CHAIRPERSON FIELDS:

That would be their job, though, that's what we would --

LEG. CARACAPPA:

No, I'm saying precluding the legislation, the job that they do now as sanitarians.

CHAIRPERSON FIELDS:

They are not hired now.

LEG. CARACAPPA:

I know. The question is do we need more now before even the bill is in place to do the work that they're --

CHAIRPERSON FIELDS:

Do we need regular sanitarians to just fill the -- okay, good.

LEG. CARACAPPA:

Right, exactly.

MR. MAIMONI:

And I would preface this remark by saying that the staff that supervises that area will disagrees with what I'm about to tell you, they would say -- their answer would be definitely yes.

LEG. CARACAPPA:

Uh-huh.

MR. MAIMONI:

Our budget request to the County Executive, I believe -- and I'm working without a net here -- included five additional sanitarians for the area known as environmental protection which is the people that inspect the restaurants and who we would look to enforce this particular -- this type of thing. And we would have asked for more, you know, we have 4% cap laws and stuff and to live within the cap we asked for five. So, you know, I guess it's kind of, yeah, we believe we need more than we currently have and we've asked for five. Had it not been for the cap laws we probably would have asked for ten, and that's without the smoking.

You know, I know that everyone on the committee is well aware of the Commissioner's position on this matter. We feel strongly that criminalizing it is not the way to go.

CHAIRPERSON FIELDS:

Back up on the word criminalizing; it absolutely does not criminalize. The intent is not to criminalize, the bottom line is not criminalizing, this is simply a violation and it's sending a message. Much as if you were a coach on a team and you tell your kids they

can't smoke or they're off the team, that's not criminalizing the kids.

LEG. CARACAPPA:

Do they pay fines in Little League?

MR. MAIMONI:

You see, our concern, and I'm sure you're aware, is that we're looking at --

CHAIRPERSON FIELDS:

That doesn't criminalize it because you pay a fine, it's just a violation that you pay.

LEG. CARACAPPA:

That's a fine line.

CHAIRPERSON FIELDS:

It's like a tax, you know; are you criminalized because you pay tax?

MR. MAIMONI:

You know, we believe there are a lot of problems, one of which is that we believe that our first primary thing should be cessation, to get people to quit smoking. And if you say to a child, you know, a 16 year old who is smoking, "Come to our program, you know, because we're going to help you quit smoking, but if we see the cigarettes in your pocket you might get fined" --

CHAIRPERSON FIELDS:

Wait a minute.

MR. MAIMONI:

It just seems like it sends two messages, you know?

CHAIRPERSON FIELDS:

The message is, the whole point of this -- and I think everybody is missing the point -- the whole point of this is not to have the child smoke to begin with. You're talking about let them smoke, get them addicted and then we want to deal with cessation, then we want to get them off.

MR. MAIMONI:

No, no, no. I assure --

CHAIRPERSON FIELDS:

That's after the fact.

MR. MAIMONI:

You know, I don't want to be disrespectful to the Chair. I guess there's room for two different issues here.

CHAIRPERSON FIELDS:

Right.

MR. MAIMONI:

One is the children that aren't smoking, and to stop them from smoking we believe education is a better way than a fine. On the people that are smoking, we believe to help them with cessation. We can't just ignore the ones that are already addicted. Joe Camel spent a lot of money getting these kids hooked on cigarettes and, you know, we're fighting an advertising situation. What you're doing is you want to fine --

CHAIRPERSON FIELDS:

But that's not working.

MR. MAIMONI:

-- the child for being susceptible to advertising; it just doesn't -- you know, I mean, I guess we --

CHAIRPERSON FIELDS:

That's not working, your way is not working. And in Florida, as we just passed around --

MR. MAIMONI:

I would like a copy of that.

CHAIRPERSON FIELDS:

Okay.

LEG. CARACAPPA:

Can I get back to my point, Madam Chair?

CHAIRPERSON FIELDS:

Go ahead.

LEG. CARACAPPA:

I really wasn't finished.

CHAIRPERSON FIELDS:

Go ahead, I'm sorry.

LEG. CARACAPPA:

I understand what you're trying to do and it's a very good idea. What I am concerned about, and it goes back to what I was speaking about last committee meeting, it's worked in small towns where they have the resources relating to the population. Ten extra sanitarians to do this job in a County with one and a half million people -- well, regardless that the kids don't make up that amount of people, still that many people -- I don't think it's going to work. The premise of it is well intended, it's something we should work towards, but I think we need more resources, more planning before we pass a bill that is well intended but unenforceable at this point in time.

Maybe we should wait until the budget process comes up where we can really, really get into making those resources

available that are rock solid as opposed to, well, let's piece mail it with ten sanitarians here, readjust the sanitarians that are now in the County work force and realign their job description to do this sort of policing, so to speak. I would like to see this pass but I would like to see it work, too, and passing it without having those rock solid resources I think is premature.

MR. MAIMONI:

I know that everybody in this room and the Commissioner who is not here, we're all on the same page, we want to stop children from smoking.

LEG. CARACAPPA:

Absolutely.

MR. MAIMONI:

You know, stop them from starting and those who have, we want to stop them from smoking. And I think our intentions are all the same, you know, but how do we get there?

I have practical problems. You know, I have this young man that's 25 years old that I've hired, or a young lady, as a sanitarian and there's a 15 or 16 year old child smoking and we're going to fine him or her; I don't know how that's going to work, I don't know the dynamics of that. They are not peace officers, they're not --

CHAIRPERSON FIELDS:

Works in Florida.

LEG. CARACAPPA:

This isn't Florida.

MR. MAIMONI:

You know, I would respectfully just say I would like to get more information on what they're doing and how they're doing it. Maybe I will stand corrected.

CHAIRPERSON FIELDS:

I will just read it just quickly, and then I'm going to actually make a motion to table this.

LEG. FOLEY:

I will second the motion to table.

CHAIRPERSON FIELDS:

The first violation is court ordered 16 hours of community service or a \$25 fine and required attendance to a school approved anti-tobacco program if locally available; the second violation within 12 weeks of first is a \$25 fine; the third violation within 12 weeks of first, the Court will direct the Florida Department of Highway Safety and Motor Vehicles to withhold issuance of or suspend or revoke the under age person's driver's license or driving privilege.

MR. MAIMONI:

What does that --

LEG. CARACAPPA:

Can I ask another question, Madam Chair?

CHAIRPERSON FIELDS:

Sure.

LEG. CARACAPPA:

Actually a request. If we could have by the next meeting from Florida, maybe if you could get that for us, how many sanitarians that they use per million people, some sort of average?

CHAIRPERSON FIELDS:

Okay. I believe this was Jacksonville which is a big community.

MR. MAIMONI:

I would gladly take on that roll of calling and doing research on this because, you know, we're not on different sides of this issue.

CHAIRPERSON FIELDS:

Right.

MR. MAIMONI:

We want to solve the problem. If they're doing something that works, we want to do it.

LEG. CARACAPPA:

Exactly.

MR. MAIMONI:

We just -- as a practical matter, maybe we'll learn more that we're wrong, but we don't know how this is going to work for us.

CHAIRPERSON FIELDS:

Okay. I'm going to make a motion to table.

LEG. FOLEY:

Second the motion.

LEG. CARACCILO:

On the motion.

CHAIRPERSON FIELDS:

One second. And what I will do is get more information and maybe we can hook-up even a conference call of some sort where we could directly have the committee discuss this at the next meeting with some people in Florida. Okay?

LEG. FOLEY:

The health department said if we want to look, they could do some research too, so let them.

LEG. CARACCILO:

I would agree with the consensus that more research is needed. Because when you read this one page hand out, one and a half page hand out, it goes on to indicate in the fifth or sixth paragraph, "The authority to enforce the new prohibition against under age persons has been given to agents of the Division of Alcoholic Beverages and Tobacco." It seems to me in Florida, since this is State Law, that they have --

MR. MAIMONI:

It's a State agency doing it.

LEG. CARACCILO:

-- a State agency doing it.

MR. MAIMONI:

The alcohol and tobacco people in Florida --

LEG. CARACCILO:

Well, let me finish.

MR. MAIMONI:

-- have law enforcement.

LEG. CARACCILO:

Right, let me finish -- and other certified law enforcement officers. However, Florida counties have also been given authority, under the State law apparently, to establish and train non sworn tobacco product enforcement officers for the same purpose.

Now, what Legislator Fields has been talking about, we call it sanitarians in Suffolk County because of Civil Service Law and job title classification. There's no reason why we can't find out, and what I would encourage the department to do is to find out what the job title description or job description for a Tobacco Product Enforcement Officer is in the State of Florida and perhaps create a similar title here in Suffolk County. Everybody has been flippantly and jokingly criticizing Legislator Fields, in jest I hope, about creating a tobacco police; that's not her intention, that's not my intention or anybody who I think supports the general concept. I think there is a way to provide an enforcement on here to carry out the enforcement action and we just need to find out what the appropriate job title, job classification and salary for those individuals would be. I don't think it necessarily has to be a sanitarian, so I just want to change the mind set of everybody locked into sanitarians.

MR. MAIMONI:

Well, I think more information is going to be beneficial, you know, to everybody on this. I mean, I know that we're all on the same page, we want to stop these kids from smoking and that's our objective, all of us. It's just now do we get this fat skin?

LEG. CARACCILO:

The question I have though, Bob -- because again, some people are flippant about the issue of, you know, enforcing a tobacco law against minors -- why do we have drug laws against minors?

MR. MAIMONI:

They're criminal issues.

LEG. CARACCILO:

Well, because --

MR. MAIMONI:

They're --

LEG. CARACCILO:

Why are they criminal issues; what makes a drug a criminal classification?

MR. MAIMONI:

The Penal Law.

LEG. CARACCILO:

Because State lawmakers and lawmakers across this country have deemed them to be harmful to the individuals who take them as well as to others because of the behavioral patterns of those who take drugs and the way they act out against others in society to, in large part, provide them with the means to continue the bad habit, okay? An illegal habit because we as a society have deemed them to be, you know, harmful to individuals as well as others in the community. We don't make -- we don't make that connection with tobacco use because the only one apparently being harmed is the individual tobacco user, but that's not true. And that's why there's been a national tobacco settlement and that's why there's been all this civil litigation, not criminal but civil litigation to recompense counties, communities and individuals for the sins, if you will, of

the tobacco industry, right?

MR. MAIMONI:

Legislator, we agree conceptually with the idea of getting kids to stop smoking, but you're taking a situation, there is not a multi-billion dollar industry advertising the use of cocaine and marijuana. These children are being targeted by an advertising campaign in the billions and now we're going to fine them \$25 for being susceptible to it. You know, I hope reasonable people can disagree on reasonable issues. We want to stop these people from smoking, we want to do whatever we can to do that. We just have a problem and I don't mean to make it more than it is, criminalization may be an over statement of it.

CHAIRPERSON FIELDS:

Very much so.

MR. MAIMONI:

But you're going to fine the kid \$25 and then what if he doesn't pay, how do you collect? You know, the devil is in the details, and in this issue the devil is in the details. You know, when that 25 year old guy says, "Don't smoke that cigarette, lady", who's 17 years old and now we get sued, I mean, it's just crazy. If it's a crime --

CHAIRPERSON FIELDS:

But why would we get sued?

MR. MAIMONI:

-- and the cops enforce it, it's one thing.

CHAIRPERSON FIELDS:

Bob, back up.

MR. MAIMONI:

That's not what we do.

CHAIRPERSON FIELDS:

Why would we get sued?

LEG. CARACCILOLO:

Well, let me ask you -- putting on your other hat in the Health Department, okay -- what has taken place with Medicaid and Medicare costs and what do those costs -- how do those costs translate to individual residents of this County who don't smoke who are property owners and have to pay taxes and increases in taxes because of the County's share of those costs going up? See, there is a correlation here. It's not criminal correlation, okay --

MR. MAIMONI:

No question about it.

LEG. CARACCILOLO:

-- but there is a correlation.

MR. MAIMONI:

No question about it.

LEG. CARACCILOLO:

And why should society continue to pay for the habits of individuals --

MR. MAIMONI:

We agree.

LEG. CARACCILOLO:

Okay.

MR. MAIMONI:

We agree fully. Like I say, you know, everybody in this room I believe is on the same page, we want to take the cigarettes out of the hands of children. The only thing -- the only differences here is how to best accomplish that.

LEG. CARACAPPA:

Right.

MR. MAIMONI:

And I don't think there is one answer, I think there is multiple -- it's a fight on multiple fronts.

LEG. CARACCILOLO:

Since everyone on this committee is not on the Finance Committee, and I know we're going to be talking about this tomorrow, we're going to hear Ken Weiss talk about this -- but the County's share of Medicaid costs is increased and there is an expected shortfall going forward; do you know what that number is?

MR. MAIMONI:

You know, I have been told that Social Services is anticipating an enormous deficit this year --

LEG. CARACCILOLO:

Enormous deficit.

MR. MAIMONI:

Because of the growth in their Medicaid costs.

LEG. CARACCILOLO:

Right. So there's the connection.

MR. MAIMONI:

Hey, you know, I agree.

LEG. CARACCILOLO:

Okay.

MR. MAIMONI:

I mean, smoking is the biggest, probably the biggest single contributing factor to our costs in Medicaid, there's no disagreements on that.

LEG. CARACCILOLO:

I appreciate your candor, Bob. Thank you.

CHAIRPERSON FIELDS:

The other point I wanted to bring up is that I would hope that we would be able to use tobacco settlement money for the payments on this particular hiring of those sanitarians; I don't know if that is actually going to be able to happen. But if the whole intent of tobacco settlement money I think, it just seems like a no brainer, should be aimed at stopping those people from becoming addicted and dying, we should be using tobacco settlement money. Legislator Caracappa.

LEG. CARACAPPA:

Thank you, Madam Chair. Just to restate my position, as Bob said, I think we're all on really the same page here, there are just some questions on how to do it and when we can do it and if we can do it. I personally would like to see a bill passed that is rock solid, as I mentioned. Another question I do have, and this has been brought up before, a sanitationer approaches a youngster on the street corner and says, "Give me your name, I'm about to write you a ticket," and that child starts walking away, what happens then?

CHAIRPERSON FIELDS:

As I said, we'll try to talk to the Florida people and maybe you can ask those questions directly to them, if we can set some kind of technological --

MR. MAIMONI:

Those are the types of questions that --

CHAIRPERSON FIELDS:

Right.

MR. MAIMONI:

We have, so it would be good. But I agree that, you know, maybe it's inappropriate to prejudge, more research is required with what the Florida experience is and we'll be ready to discuss it at our next meeting and we'll give you the follow up to that.

CHAIRPERSON FIELDS:

Okay.

LEG. CARACAPPA:

That's a very good point because, you know, when you mentioned sued, everyone up here was a little perplexed, but I understand what you're saying. If that sanitationer grabs that child by the arm and says, "You're not going anywhere," that child can turn around and sue this guy.

MR. MAIMONI:

Is it assault?

CHAIRPERSON FIELDS:

I would hope that a sanitationer is not going to grab him by the arm, I mean, just like a policeman shouldn't do that.

LEG. CARACAPPA:

Well, I'm just saying, it could happen. If you were out there doing your job and someone walked away from you when you were -- and you're actually trying to, for lack of a better term, police a policy --

MR. MAIMONI:

What do you do?

LEG. CARACAPPA:

-- you know, what do you do; do you let them walk away, do you grab them by the arm, by the hand and face some sort of penalty civilly for that?

MR. MAIMONI:

I mean, we can --

LEG. CARACAPPA:

These things -- let me finish, Bob. These things really need to be worked out on top of the budgetary issues, on top of the staffing issues, before we can really move forward. I appreciate you wanting to table this because I would like to see this passed right now right here and on Tuesday at the General Session, but let's make it bullet proof.

CHAIRPERSON FIELDS:

Okay. All in favor? Opposed? **Motion to table passes (Vote: 5-0-0-0).**

1451-00 (P) - Directing the County Department of Public Works to test pesticide alternatives to control adult mosquito population (Cooper).

LEG. CRECCA:

Motion to table.

LEG. CARACAPPA:

Second.

MR. MAIMONI:

Could we just make one comment on that? The issue of the pesticides, we were wondering if perhaps you would want to consider the utilization of something like Cornell Extension or, you know, some of the other folks that kind of specialize in this area. Especially when you get into -- you know, there are some other bills that are similar to this that deal with like the farmers and that, you know? And Cornell does a lot of work in this area, we contract with them. And it wasn't meant to be a criticism of the bill or anything, it was just another idea that you might want to take into consideration while you review that legislation.

LEG. CARACCILOLO:

Could you convey that to the bill's sponsor?

MR. MAIMONI:

I would be glad to do that.

CHAIRPERSON FIELDS:

Did we have a motion to table?

LEG. CRECCA:

Yes.

CHAIRPERSON FIELDS:

Do we have a second?

LEG. CARACAPPA:

Yes.

CHAIRPERSON FIELDS:

Okay. All in favor? Opposed? **Motion to table passes (Vote: 5-0-0-0).**

Introductory Resolutions

1584-00 - Adopting Local Law No. 2000, a Local law to establish Organically Trained Certificate Program for licensed landscapers in Suffolk County (Bishop).

LEG. CARACCILOLO:

Motion to defer to prime.

LEG. CARACAPPA:

Second.

LEG. FOLEY:

Second.

MR. MAIMONI:

Same comment on that one, the landscapers.

CHAIRPERSON FIELDS:

You want to speak to Legislator Bishop about discussing this with Cornell?

MR. MAIMONI:

Yeah, somebody -- because they know the farmer's issues far better than we do.

LEG. CARACCIOLO:

We have a motion to defer to prime.

CHAIRPERSON FIELDS:

Motion to defer to prime.

LEG. FOLEY:

Second.

CHAIRPERSON FIELDS:

All in favor? Okay, **motion to defer to prime passes (Vote: 5-0-0-0).**

1627-00 (P) - Accepting and appropriating additional 100% Grant funds from the New York State Office of Mental Health to the Department of Health Services, Division of Community Mental Hygiene Services, for the Integrated Supported Employment Program (County Executive).

LEG. FOLEY:

Motion.

LEG. CARACCIOLO:

Second.

CHAIRPERSON FIELDS:

All in favor? Opposed? **Motion passes (Vote: 5-0-0-0).**

1628-00 (P) - Accepting and appropriating additional 100% Grant funds from the New York State Office of Mental Health to the Department of Health Services, Division of Community Mental Hygiene Services, to monitor the division's contracts and to coordinate children's services (County Executive).

LEG. FOLEY:

Motion.

LEG. CARACCIOLO:

Second.

LEG. CRECCA:

Motion to approve.

CHAIRPERSON FIELDS:

What was that?

LEG. CRECCA:

I made a motion to approve, that's all, it doesn't matter.

LEG. CARACCILO:

Oh, okay.

LEG. CRECCA:

I didn't know somebody made a motion, sorry.

LEG. FOLEY:

It's a hundred percent grant, take the money.

CHAIRPERSON FIELDS:

Okay. All in favor? Opposed? **IR 1628 passes (Vote: 5-0-0-0).**

Okay, we have a motion to --

LEG. CARACAPPA:

Madam Chair, before you make a motion to adjourn, I'd make a request through a motion that 1627 and 1628, seeing that it is 100% grant funds, that we place them on the consent calendar.

LEG. FOLEY:

Second the motion.

CHAIRPERSON FIELDS:

Okay, thank you.

LEG. CRECCA:

One quick thing, Madam Chairman? I know we had discussed it informally yesterday, but I am looking into forming a task force on the use of defibrillation, AED's or the Automated External Defibrillators, throughout the County in light of some hearings that took place yesterday at the Budget Committee and the pending bill that I have which just involves schools. I did inform you of that just for the record. We're looking to put that task force together and I will certainly keep the members of this committee, as well as the Chairman --

CHAIRPERSON FIELDS:

Why don't we put it on the agenda for the next Health Committee meeting and we can give the same kind of presentation to the Health Committee?

LEG. CRECCA:

Yeah, the only thing I can tell you is we may -- I may lay a bill on the table today because we only have till one o'clock, so that we have a report before the budget process next year. If I do that, though, please put it on the agenda, that would be great, we can always amend the bill.

CHAIRPERSON FIELDS:

Okay.

LEG. CRECCA:

Okay? Just so that we get into the process for the second August meeting.

CHAIRPERSON FIELDS:

Thank you. We stand adjourned.

(*The meeting was adjourned at 10:35 A.M.*)

Legislator Ginny Fields

Chairperson, Health Committee

- Denotes Spelled Phonetically